

REMARKS**STATUS OF THE CLAIMS**

In accordance with the foregoing, claims 1-13 have been amended to improve form only. Claims 1-13 are pending and under consideration.

No new matter is being presented, and approval of the amended claims is respectfully requested.

REASONS FOR ENTRY

Applicant requests entry of this Rule 116 Response and Request for Reconsideration because the amendments of claims 1-13 are merely to improve form only. There are no additional features added and, therefore, the amendments do not entail any further search by the Examiner since no new features are being added or no new issues are being raised. The amendments do not significantly alter the scope of the claims and place the application at least into a better form for appeal.

The Manual of Patent Examining Procedures sets forth in §714.12 that "[a]ny amendment that would place the case either in condition for allowance or in better form for appeal may be entered." (Underlining added for emphasis) Moreover, §714.13 sets forth that "[t]he Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

REJECTIONS OF CLAIMS 1-13 FOR OBVIOUSNESS UNDER 35 U.S.C. §103(a) AS BEING UNPATENTABLE OVER MICHEL ET AL. (U.S. PATENT NO. 3,562,690) IN VIEW OF TANAKA (U.S. 2002/0022971)

On page 3 of the Action, the Examiner states that Michel et al. does not teach a license file on the remote terminal with a central accounting server that performs identification authorizations and payment processing. Thus, the Examiner cites Tanaka as disclosing these features.

Tanaka has a United States filing date of August 21, 2001. However, the present application was filed in the United States on January 24, 2001. Therefore, Tanaka is not applicable prior art and should be removed.

As a result, it is respectfully submitted that the prior art does not teach or even suggest

when the license file is determined to be valid, access to the contents is continued without accessing the accounting server, and when the license file is not determined to be valid, access to the accounting server is carried out, notification of charging is made to the accounting server and, after the completion of the charging, access to the contents is continued, as recited in claim 1. Therefore, it is respectfully submitted that claim 1 patentably distinguishes over the prior art.

Similarly, independent claims 2-7, 9-11 and 13 recite that when access is made to the contents, a license file in the terminal device is referred to, and, when the license file is determined to be valid, access to the contents is continued without accessing the accounting server, and when the license file is not determined to be valid, access to the accounting server is carried out, notification of charging is made to the accounting server and, after the completion of the charging, access to the contents is continued. Therefore, it is respectfully submitted that independent claims 2-7, 9-11 and 13 also patentably distinguish over the prior art.

Claim 8 depends from claim 7 and claim 12 depends from claim 11. Therefore, it is respectfully submitted that dependent claims 8 and 12 patentably distinguish over the prior art.

PRIORITY UNDER 35 U.S.C. §119

The Examiner has not acknowledged the claim of foreign priority under 35 U.S.C. §119. Proper acknowledgment is respectfully requested.

CONCLUSION

It is respectfully submitted that the foregoing has demonstrated that the pending claims patentably distinguish over the references of record, taken singularly or in any proper combination, and, there being no other objections or rejections, that the application is in condition for allowance, which action is earnestly solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Docket No.: 1614.1115

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If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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